

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION

Civil No. 3:22-CV-00093-PDW-ARS

Jessica Allen, individually and on behalf)
of the Heirs at Law of Lacey Higdem,)

Plaintiff,)

v.)

Myles Brunelle, in his individual)
capacity; April Azure, in her individual)
capacity; Rolette County; Roy Cordy,)
MD; and Presentation Medical Center,)

Defendants.)

**AFFIDAVIT OF
GRANT T. BAKKE**

STATE OF NORTH DAKOTA)
) SS.
COUNTY OF BURLEIGH)

Being duly sworn, Grant T. Bakke, testifies:

1. I am an attorney duly licensed to practice law in the State of North Dakota and am admitted to practice before this Court.
2. I am a member of the firm Bakke Grinolds Wiederholt, attorneys for Defendants Myles Brunelle ("CO Brunelle"), in his individual capacity, April Azure ("CO Azure"), in her individual capacity, and Rolette County ("County") (collectively "County Defendants").
3. This affidavit is submitted in support of the *Memorandum of Law in Support of Defendants Myles Brunelle, April Azure, and Rolette County's Motion for Summary Judgment*, filed herewith.

4. Attached hereto as **Exhibit A** is a true and correct copy of the deposition transcript of Jessica Allen taken on May 14, 2024.
5. Attached hereto as **Exhibit B** is a true and correct copy of select pages from deposition exhibit 109, Lacey Higdem's medical records from Prairie St. John's. This exhibit is being filed under seal for the reasons explained in *Defendants Myles Brunelle, April Azure, and Rolette County's Motion for Leave to File Under Seal Regarding Documents Supporting Motion for Summary Judgment*.
6. Attached hereto as **Exhibit C** is a true and correct copy of select pages from deposition exhibit 110, Lacey Higdem's medical records from Southeast Human Service Center. This exhibit is being filed under seal for the reasons explained in *Defendants Myles Brunelle, April Azure, and Rolette County's Motion for Leave to File Under Seal Regarding Documents Supporting Motion for Summary Judgment*.
7. Attached hereto as **Exhibit D** is a true and correct copy of deposition exhibit 111, Register of Actions for case entitled State of North Dakota vs. Lacey Ann Higdem, Civil No. 09-2020-CR-01856 and report from Cass County Sheriff's Office dated April 23, 2020.
8. Attached hereto as **Exhibit E** is a true and correct copy of deposition exhibit 17, Bureau of Indian Affairs Incident Summary Report dated June 3, 2020.
9. Attached hereto as **Exhibit F** is a true and correct copy of deposition exhibit 14, Rolette County Sheriff's Office Report by Chief Deputy Mitchell Slater.
10. Attached hereto as **Exhibit G** is a true and correct copy of deposition exhibit 15, 2020 Dispatch Log.
11. Attached hereto as **Exhibit H** is a true and correct copy of deposition exhibit 18,

- Citations to Lacey Higdem.
12. Attached hereto as ***Exhibit I*** is a true and correct copy of deposition transcript of Mitchell Slater taken on January 29, 2024.
 13. Attached hereto as ***Exhibit J*** is a true and correct copy of deposition exhibit 43, Prehospital Care Report dated June 3, 2020. This exhibit is being filed under seal for the reasons explained in *Defendants Myles Brunelle, April Azure, and Rolette County's Motion for Leave to File Under Seal Regarding Documents Supporting Motion for Summary Judgment*.
 14. Attached hereto as ***Exhibit K*** is a true and correct copy of the deposition transcript of Melissa Obal taken on May 29, 2024.
 15. Attached hereto as ***Exhibit L*** is a true and correct copy of select pages from deposition exhibit 19, Lacey Higdem's medical records from SMP Health St. Kateri. This exhibit is being filed under seal for the reasons explained in *Defendants Myles Brunelle, April Azure, and Rolette County's Motion for Leave to File Under Seal Regarding Documents Supporting Motion for Summary Judgment*.
 16. Attached hereto as ***Exhibit M*** is a true and correct copy of the deposition transcript of Roy Cordy, MD taken on April 29, 2024.
 17. Attached hereto as ***Exhibit N*** is a true and correct copy of deposition exhibit 4, Lacey Higdem's Presentation Medical Center medical records dated June 3, 2020. This exhibit is being filed under seal for the reasons explained in *Defendants Myles Brunelle, April Azure, and Rolette County's Motion for Leave to File Under Seal Regarding Documents Supporting Motion for Summary Judgment*.
 18. Attached hereto as ***Exhibit O*** is a true and correct copy of select pages from deposition

exhibit 95 including Lacey Higdem's medical records from SMP Health St. Kateri.

This exhibit is being filed under seal for the reasons explained in *Defendants Myles Brunelle, April Azure, and Rolette County's Motion for Leave to File Under Seal Regarding Documents Supporting Motion for Summary Judgment*.

19. Attached hereto as ***Exhibit P*** is a true and correct copy of the deposition transcript of Dixie Gladue taken on January 30, 2024.
20. Attached hereto as ***Exhibit Q*** is a true and correct copy of deposition exhibit 8, inmate booking form for Lacey Higdem.
21. Attached hereto as ***Exhibit R*** is a true and correct copy of deposition exhibit 12, a video file showing Higdem being booked into the Rolette County Jail.
22. Attached hereto as ***Exhibit S*** is a true and correct copy of deposition exhibit 6, Rolette County Inmate Call Log.
23. Attached hereto as ***Exhibit T*** is a true and correct copy of deposition exhibit 23, an audio file of Higdem's phone call to Jessica Allen, her mother made during Higdem's booking process.
24. Attached hereto as ***Exhibit U*** is a true and correct copy of deposition exhibit 47, photographs depicting B block and cell B-201.
25. Attached hereto as ***Exhibit V*** is a true and correct copy of deposition exhibit 7, Rolette County Entry Control Log from June 3, 2020 to June 4, 2020.
26. Attached hereto as ***Exhibit W*** is a true and correct copy of the deposition transcript of Duane Charette taken on February 1, 2024.
27. Attached hereto as ***Exhibit X*** is a true and correct copy of the deposition transcripts of April Alene Azure taken on April 9, 2024. This exhibit is being filed under seal because

it is designated as Confidential.

28. Attached hereto as **Exhibit Y** is a true and correct copy of the deposition transcript of Sheriff Nathan Gustafson taken on April 12, 2024.
29. Attached hereto as **Exhibit Z** is a true and correct copy of the deposition transcript of Myles Blake Brunelle taken on April 8, 2024. This exhibit is being filed under seal because it is designated as Confidential.
30. Attached hereto as **Exhibit AA** is a true and correct copy of deposition exhibit 44, Lacey Higdem's Prehospital Care Report, ER Admission Summary, and records from Community Ambulance Service of Rolla. This exhibit is being filed under seal for the reasons explained in *Defendants Myles Brunelle, April Azure, and Rolette County's Motion for Leave to File Under Seal Regarding Documents Supporting Motion for Summary Judgment*.
31. Attached hereto as **Exhibit BB** is a true and correct copy of the Final Autopsy Report of Lacey Higdem dated June 4, 2020 (RC0032-0037). This exhibit is being filed under seal for the reasons explained in *Defendants Myles Brunelle, April Azure, and Rolette County's Motion for Leave to File Under Seal Regarding Documents Supporting Motion for Summary Judgment*.
32. Attached hereto as **Exhibit CC** is a true and correct copy of the expert report of Jeff Eiser dated September 9, 2024.
33. Attached hereto as **Exhibit DD** is a true and correct copy of the deposition transcript of Dr. Gordon Leingang taken on October 29, 2024.
34. Attached hereto as **Exhibits EE through LL** are true and correct copies of video files depicting the entirety of Lacey Higdem's pre-booking, booking, and confinement in

cell B-201 in chronological order:

- a) **Exhibit EE** - Deposition Exhibit 13, Pre-booking video file for Lacey Higdem (RC0062)
- b) **Exhibit R (Above)** Deposition Exhibit 12, Video file showing Higdem being booked into the Jail (RC0063)
- c) **Exhibit FF** - Dormitory B201 (RC0061)
- d) **Exhibit GG** - Dormitory B201 (RC0064)
- e) **Exhibit HH** - Dormitory B201 (RC0065)
- f) **Exhibit II** - Dormitory B201 (RC0066)
- g) **Exhibit JJ** - Dormitory B201 (RC0067)
- h) **Exhibit KK** - Dormitory B201 (RC0068). This exhibit is being filed under seal for the reasons explained in *Defendants Myles Brunelle, April Azure, and Rolette County's Motion for Leave to File Under Seal Regarding Documents Supporting Motion for Summary Judgment*. This video depicts Lacey Higdem's dead body at the Rolette County Law Enforcement Center.
- i) **Exhibit LL** - Dormitory B201 (RC0069). This exhibit is being filed under seal for the reasons explained in *Defendants Myles Brunelle, April Azure, and Rolette County's Motion for Leave to File Under Seal Regarding Documents Supporting Motion for Summary Judgment*. This video depicts Lacey Higdem's dead body at the Rolette County Law Enforcement Center.

Dated this 16th day of December, 2024.

BAKKE GRINOLDS WIEDERHOLT

By: 

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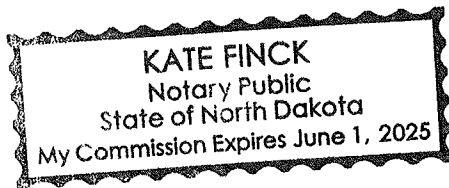
Attorneys for Defendants Myles Brunelle, in his individual capacity; April Azure, in her individual capacity; and Rolette County

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

On this 16th day of December, 2024 before me personally appeared Grant T. Bakke, known to me to be the person described in the within and foregoing instrument, and acknowledged to me that he executed the same.

Kate Finck

Notary Public



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **AFFIDAVIT OF GRANT T. BAKKE** was on the 16th day of December, 2024, was filed electronically with the Clerk of Court through ECF.

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By: /s/ Grant T. Bakke
GRANT T. BAKKE